



Allen Township Board of Supervisors

Meeting Minutes March 12, 2024 6:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, March 12th, 2024, at 6:00 P.M. at the Allen Township Municipal Building, located at 4714 Indian Trail Road, Northampton, PA. Mr. Hassler led the audience in the Pledge of Allegiance to the Flag.

1. **Roll Call:**

Present: Gary Behler; Dale Hassler; Tim Paul; Jason Frack; B. Lincoln Treadwell, Jr., Esq.; Ilene Eckhart, Manager; Tom Gogle, Public Works Crew Leader, and Stan Wojciechowski, PE, CME

Absent: Paul Link, and Andrea Martin, Engineer

2. **Announcements and/or Actions to Add New Items to the Current Agenda:** No announcements or actions to add new items to the current agenda.

3. **Public Hearings:** No public hearings.

4. **Public to be Heard:** No public comment.

5. **Approval of Minutes:** Mr. Behler made a motion to approve the minutes of February 13th, 2024; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

6. **Reports – All Reports on File with the Exception of Treasurer’s Report and Paying of the Bills:**

A. **Treasurer:** Mr. Behler made a motion to approve the Paying of the Bills; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

B. **Solicitor:** On file.

C. **Engineer:** On file.

D. **Planning/Zoning/Code Enforcement:** On file.

E. **Road Superintendent/Public Works Leader:** On file.

F. **Fire Company:** On file.

G. **Emergency Management Coordinator:** On file.

H. **Nazareth Council of Government:** On file.

I. Parks: On file.

J. Planning: On file.

K. First Regional Compost Authority: On file.

L. Stormwater: On file.

7. Unfinished Business

A. DG Market – Application for Variances (Zoning Hearing Board) – Board Discussion: Mr. Benjamin Syput of PennTex Ventures, LLC. introduced the application and explained that PennTex Ventures is seeking an audience with the Zoning Hearing Board on March 27th, 2024 to request zoning relief. Mr. Syput indicated the location of the lot, which is located on Cherryville Road in the neighborhood commercial zoning district. He explained that DG Market’s use is permitted within the zoning district, however, the store needs a variance for exceeding the maximum allowable gross floor area of 10,000 square feet. Mr. Syput indicated that the proposed store would be a total of 12,480 square feet.

Mr. Syput explained that there is a second variance that PennTex is seeking from the Zoning Hearing Board. He indicated that the variance would be for encroaching into a 130-foot loading structure setback. Mr. Syput explained that the proposed store would not have a loading structure but rather a loading zone. He indicated that the store would meet the minimum code requirements of providing two load zones per code for the store size. Mr. Treadwell asked Mr. Syput to explain the location of the loading area. Mr. Syput referenced the Site Layout Plan and located the loading area which is located toward Mann’s Auto Service. Mr. Syput indicated that the loading zone will be a space on the ground that is paved and striped for loading. He explained that the delivery trucks will go directly to the side door and will be there for about an hour. Mr. Treadwell indicated that he felt that a variance was not necessary for the loading zone as there is no loading structure. Mr. Treadwell explained that the variance that the applicant needs is for the store to exceed 10,000 square feet. He indicated that the applicant can seek relief in two different ways. First is by saying the store is a retail store and they are seeking to exceed 10,000 square feet or a second way is they could say the store is a convenience store and that they are seeking relief not to have gas pumps as the square footage of a convenience store can be larger than 10,000 square feet.

Mr. Treadwell asked Mr. Syput to explain the proposed facility. Mr. Syput explained that it is not a Dollar General but a market that sells refrigerated food items and produce. He explained that Dollar Generals’ typically have metal paneling outside of the building while this store will not have metal paneling. Ms. Tracey Horstmann of PennTex Ventures indicated that the store typically sells local produce, fresh fruit and vegetables, as well as fresh meat and deli meats. She explained that about thirty percent of the store will be fresh and frozen groceries but there will be additional aisles of dry goods which amounts to a little less than twenty percent of store. She also indicated that that it is a local store that hires local residents.

Mr. Treadwell informed the Board of Supervisors that the applicant is asking for some zoning relief at the Zoning Hearing Board Meeting being held on March 27th, 2024. He explained that the Board has the option of supporting the application, opposing the applicant, or taking no action. Mr. Behler asked if there was no option to shrink the building size. Mr. Syput indicated that there was not a way to do so. Mr. Behler explained that the zoning district is neighborhood commercial, not highway

commercial nor industrial commercial. He indicated that there is a specific reason why retail store use is only allowed up to 10,000 square feet and if the store is over that square footage, then it is considered a large retail store. He explained that large retail store use is allowed in the municipality, however, not in that zoning district. Mr. Behler stated that if the applicant is attempting to place a larger commercial-use store in that area, he would like to know what additional measures they will put into place to reduce nuisances from a bigger store.

Mr. Marc Seiavitch, Assistant Legal Counsel for PennTex Ventures, explained that DG does not offer different layouts or smaller building sizes as they follow a traditional prototype. He further explained that if PennTex takes the exact building and shrinks it down it would cause a dimensional variance where it would cause DG to get into the economics of the building size. He indicated that DG is only willing to pay so much rent for PennTex to construct a certain size store to accommodate the neighborhood. Mr. Seiavitch indicated that he did not want to get too far into this issue as he felt that it was more of a Zoning Hearing Board issue, however, he continued to discuss the Hertzberg argument which allows the financial aspects of the deal to be brought in to allow the applicant some relief and that's where PennTex would make that argument at that time to say that you know your fixed costs are land is land clearing, and if the building is smaller then DG will not want to pay the rent. He explained that regardless if the store is 10,000 square feet or if it is 12,000 square feet the noise level would be the same because it would be the same amount of people going to the store.

Mr. Treadwell questioned what kind of landscaping was on the plan. Mr. Syput referenced the Site Plan Exhibit and highlighted the landscaping that goes around the property. Mr. Syput also explained where the dumpster would be located and stated that it would be enclosed so residents would not see the dumpster.

Mr. Frack questioned what the visual difference would be between the larger and smaller buildings and what the parking lot difference would be. Mr. Syput indicated that visually it looks the same, the driveway would be a little smaller at the front, and there would be fewer parking spots with the smaller building. Mr. Frack questioned if someone was looking at the building from the street if it was not going to look different. Mr. Syput said it would be a little smaller, about 4 feet less wide, when looking at the building from the street. Mr. Paul questioned the truck access for the property. Mr. Syput explained that there will be a curb cut on Cherryville Road and no back access to the building on residential roads, such as Center Road. Mr. Hassler questioned if a sidewalk could be placed for residents walking from Center Road to the store. Mr. Syput indicated that could be something that could be added to the plan.

Mr. Hassler indicated that he is against bending the rules. He explained that the Township has zoning for a reason and he reflected upon his stance against the zoning changes that accommodated the warehouses. Mr. Hassler stated that the variance that DG Market wishes to obtain is a 20 percent increase in square footage. He explained that it is not a 5 percent increase but a large percentage. Mr. Hassler opened the floor to public comment.

Mr. Seiavitch indicated that he wished to add one final thought before the public spoke. He explained that if the store size is reduced the first items to go would be the fresh food and produce. Mr. John Sickonic, 3064 Center Road, voiced concern about the cleanliness of the proposed store. He questioned if there would be another health department that would inspect the store other than Northampton County. Mr. Sickonic also expressed concern about the reflection from the air condition units reflecting into neighboring homes. He concluded that he had started a petition that had over 200 names on it.

Mr. Behler indicated that he felt that the Board of Supervisors should not support the DG Market as the plans go against the Township's Zoning Ordinances. Mr. Hassler stated that he never supported zoning ordinance changes before and he is not going to now. Mr. Behler made a motion for the Board of Supervisors to send a letter to the Zoning Hearing Board stating that the Board of Supervisors is opposed to DG Market's variance request for a greater square footage; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

B. Tractor with Flail Purchase – Per Approved Grant Modification LSA 2022: Ms. Eckhart explained that the Township received the duplication grant in 2022 in the amount of \$172,278.00. She indicated that the Township made a special request to the CFA Board and they granted it to be changed to the tractor and the flail as well as the mobilization trailer. Ms. Eckhart indicated that she wishes to proceed with the tractor and flail and is seeking permission to move forward with purchasing the 2024 Case IH Farmall 75C Tractor, 4WD for \$70,096.65 and the Ferri TP510 Flail Mower for \$32,452.60 and then seeking reimbursement from the grant. Mr. Behler made a motion to allow Ms. Eckhart to proceed with purchasing the 2024 Case IH Farmall 75C Tractor, 4WD for \$70,096.65 and the Ferri TP510 Flail Mower for \$32,452.60; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

8. New Business:

A. Traffic Signal Design Modifications Requests (Willow Brook Farms Phases 3-5) Willowbrook Road and Radar Drive and Willowbrook Road and W. Bullshead Road: Mr. Wojciechowski indicated that the Willowbrook Road Farms Subdivision needs to apply to PennDOT to change the traffic signals at both of the signalized intersections based on the traffic study that was done for them. He stated that Willow Brook Farms is requesting that the Township sign the T-160 forms for PennDOT as the intersection is on Township Roads. Mr. Wojciechowski indicated that Ms. Eckhart would be the one signing the forms. Mr. Behler made a motion for Ms. Eckhart to sign the T-160 forms; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

B. Executive Session: There was no executive session.

9. Public to be Heard: There was no public to be heard.

10. Announcements: Mr. Hassler announced that the Howertown Bridge partial closure is due to start this week. He explained that the bridge would only be open to northbound traffic. He stated that the Indian Trail Road Bridge and Willowbrook Road Bridge are both still closed. He explained that the Howertown and Indian Trail Road Bridges are both PennDOT projects and the Willowbrook Road Bridge is a Northampton County project. Mr. Behler indicated that the Indian Trail Road Bridge is ahead of schedule.

Mr. Hassler announced the upcoming meetings. All meetings and events below will be held at the Allen Township Municipal Building. These meetings and events are as follows:

- Planning Commission – Monday, March 18th, 2024 at 6:00 PM
- Board of Supervisors – Tuesday, March 26th, 2024 at 6:00 PM
- Park and Recreation Board – Thursday, March 28th, 2024 at 6:00 PM

11. Adjournment: There being no further comments or business the meeting adjourned at 6:45 PM.

Respectfully submitted,

Ilene M. Eckhart